

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00155-MR  
[CRIMINAL CASE NO. 2:99-cr-00013-MR-1]**

**MICHAEL TAYLOR,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**ORDER**

**THIS MATTER** is before the Court on Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. 1]. Petitioner seeks relief under Johnson v. United States, 135 S. Ct. 2551 (2015).

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds: (1) the petition is an authorized second or successive petition [see Doc. 1-1: Order granting authorization to file second or successive § 2255 motion]; (2) the petition was filed within one year of Johnson, see § 2255(f)(3); and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a).

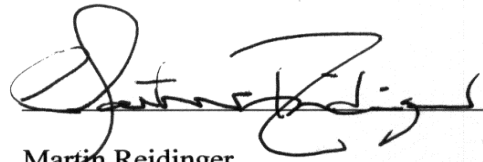
The Court further finds that the petition has been signed by attorney Matthew M. Robinson. See Rule 2(b)(5), 28 U.S.C.A. foll. § 2255. Mr. Robinson, however, has not made an appearance on behalf of the Petitioner in this Court. Ann Hester of the Federal Defenders of Western North Carolina is the only attorney listed as counsel of record in this case. As such, there is no indication on the face of the petition that Mr. Robinson is “a person authorized to sign it for the movant.” Id. The Court therefore will direct Petitioner’s counsel to file an amended motion to vacate within thirty (30) days. Such amended motion shall be signed either by the Petitioner under penalty of perjury or by counsel of record. Upon filing of the amended motion, the Government shall have sixty (60) days thereafter to respond to Petitioner’s allegations.

**IT IS, THEREFORE, ORDERED** that:

1. Within thirty (30) days of entry of this Order, Petitioner’s counsel shall file an amended and properly signed motion to vacate.
2. Within sixty (60) days of the filing of an amended motion to vacate, the United States Attorney shall file an Answer or other responsive pleading to Petitioner’s motion.

**IT IS SO ORDERED.**

Signed: June 16, 2016

  
Martin Reidinger  
United States District Judge

